United Nations CEDAW/C/CHN/Q/7-8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the combined seventh and eighth periodic reports of China*

Reservation and declarations

1. Please provide information on measures taken to withdraw the reservation to article 11 (2) of the Convention applicable to the Hong Kong Special Administrative Region. Please further indicate whether a review of the interpretative declarations to the Convention is envisaged. Please also explain how the application of the interpretative declarations has affected the implementation of the Convention in the Special Administrative Regions.

Legislative and policy framework, and data collection

2. It is stated in the report that the Decision on Amending the Law of the People's Republic of China on the Protection of Rights and Interests of Women came into effect as of December 2005, which, inter alia, introduces the principle of the elimination of all forms of discrimination against women (CEDAW/C/CHN/7-8, paras. 12 and 55).[1] Please provide information as to whether the amendment also introduces a definition of discrimination against women, in line with article 1 of the Convention, which encompasses elements of direct and indirect discrimination. In addition, what measures have been taken to amend the Sex Discrimination Ordinance in Hong Kong to ensure that its definition of discrimination covers indirect discrimination?

3. What reform measures have been taken to address inconsistencies in statutory law and customary law and practices that discriminate against women and girls? Please explain the measures taken to integrate intersectional discrimination, faced by ethnic minority women, into the legal and policy framework.

4. It is indicated in the report that the State Council adopted the National Human Rights Action Plan for the period 2009-2010 (paras. 26 and 69). Has there been any

* Adopted by the pre-sessional working group for the fifty-ninth session, meeting from 3 to 7 March 2014.

[1] Unless otherwise indicated, paragraph numbers refer to the combined seventh and eighth periodic reports of the State party.

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comprehensive evaluation of the gender impact assessment of the Plan? Please also indicate whether a new plan has been adopted thereafter. If a new plan exists, does it take into account the specific needs of ethnic and minority groups? Are there relevant indicators for tracking progress? What coordination mechanisms are available for collection, compilation and assessment of data, disaggregated by sex, ethnicity, religion and location, as well as for ensuring their consistency and reliability?

National machinery for the advancement of women

5. It is stated in the report that the National Working Committee on Children and Women, the coordinating agency for promoting gender equality, has witnessed a continuous growth in staffing and working funds and that the mechanism has been strengthened (paras. 49 and 65). Please explain the measures being taken to ensure that the Committee has the mandate to,2 and can adequately, enforce the implementation of the Programme for the Development of Chinese Women (2011-2020) and other policies concerning women.

Temporary special measures

6. It is indicated in the report that the State party has taken a series of special measures in the fields of women's employment, political participation and health care with a view to accelerating de facto equality between men and women (paras. 72-78). How is progress in implementation monitored? Please provide information on the specific measures taken, including quotas, aimed at accelerating de facto equality between men and women in line with article 4 (1) of the Convention and general recommendation No. 25 on temporary special measures.

Stereotypes and harmful practices

7. It is stated in the report that, in order to combat deep-rooted stereotypes regarding the roles and responsibilities of women and men reflected in concerns such as son preference, which lead to a high adverse sex ratio at birth and illegal sex-selective abortion, the State party has taken educational measures and is conducting investigations on cases of foetal sex identification for non-medical needs (para. 83). Please indicate how the laws against sex-selective abortion, forced sterilization and female infanticide are monitored and enforced? Please also indicate whether there exists any comprehensive strategy or initiative aimed at eliminating the negative portrayal of women as sex objects in the media, in particular in Hong Kong. Please further explain the measures taken to revise the Small House Policy in Hong Kong under which only indigenous men, but not indigenous women, are entitled to apply for a permit to build a residence in the New Territories (CEDAW/C/CHN/CO/6, para. 38).

Violence against women

8. Please provide information and statistical data on the prevalence of violence against women, including domestic violence, in the State party, including in the Special Administrative Regions. It is stated in the report that most cities have set up shelters providing medical treatment, psychological support and rehabilitation for women and children who are victims of domestic violence (paras. 93 and 95). Please provide information on the number of shelters available and free-of-charge hotlines

established. Please provide an update on the draft family violence law. Does it include protection orders for victims and availability of support services; and criminalization of marital rape? Please also state the specific measures that have been taken to improve the prosecution of cases of domestic violence in Hong Kong, and furthermore, explain the specific measures taken to combat the increased number of rape and domestic violence cases in Macao. Please provide information on measures taken to investigate expeditiously incidents of violence against women in detention centres, in addition to preventive measures undertaken.

9. It is stated in the report that a pilot project against domestic violence involving 72 courts in the State party has been implemented effectively and has yielded remarkable results (para. 94). Please provide specific information on the impact of the pilot project and indicate whether there are plans to replicate it in other areas of the State party. Please provide further information on the existing gaps in the State party's institutional framework in this regard and the specific proposals under consideration by the Legislative Affairs Committee, in addition to the progress that has been made to date.

Trafficking in women and exploitation of prostitution

10. Please provide updated information on the prevalence of human trafficking throughout the territory of the State party. Please provide sex-disaggregated data on trafficking, including the number of victims, cases investigated, cases prosecuted, convictions and the punishment of perpetrators, and assistance to victims, including shelter homes and rehabilitation services provided. it is indicated in the report that the China National Plan of Action on Combating Trafficking in Women and Children (2008-2012) and Rules for the Implementation of the National Plan of Action were adopted (para. 103). Please state whether a new action plan has been drawn up following that period.

11. What measures have been taken to revise the definition of trafficking in the Penal Code, which is currently limited only to the purpose of exploitation of prostitution but not for other forms of trafficking and forced labour? It is indicated in paragraph 115 of the report that prostitution in the State party remains illegal. Please explain the measures that have been taken to address previous concerns of the Committee that the continued criminalization of prostitution has a disproportionate impact on prostitutes rather than on the prosecution and punishment of pimps and traffickers (CEDAW/C/CHN/CO/6, para. 19). There are reports that women in prostitution in Hong Kong are forced to work alone in isolated settings where they are exposed to higher risk of abuse, exploitation and even life-threatening violence at the hands of the clients owing to legislative provisions (such as "vice establishment"). What measures have been taken to ensure greater protection of sex workers? Please state the provisions that are available for rehabilitation and reintegration of women in prostitution into society, especially by enhancing other livelihood opportunities.

12. Please state the measures being taken to establish an effective referral system for the refugee status determination procedure, and measures to facilitate the prompt identification and referral to the asylum system of victims of trafficking in Macao. What measures have been taken to revise the administrative practice of detaining female unaccompanied minors who arrive in Hong Kong by air and are refused entry?

Participation in political and public life

13. The data provided in the report indicate that women remain underrepresented in legislative bodies, decision-making positions and the judiciary (paras. 126-131). Please provide information on the specific measures being taken, including through temporary special measures in line with article 4 (1), of the Convention and general recommendation No. 25 on temporary special measures, to increase the representation of women in all decision-making and legislative bodies at all levels, particularly in villagers' committees, as well as in Hong Kong and Macao (paras. 126 and 213). What specific measures are in place to address the low participation of ethnic and religious minority women in politics and public life?

Education

14. It is stated in the report that remarkable progress has been achieved in eliminating gender disparities in primary and secondary education (para. 149). Please provide information on measures being taken to enhance the proportion of girls at the university level (para. 150) and efforts aimed at addressing the limitations placed on the enrolment of women in the fields of national defence and public security. According to reports, some colleges in the State party have lowered their minimum entrance-exam scores in certain subjects for boys only. What measures are taken to prevent such discrimination against female candidates? Please state the specific measures taken aimed at improving the proportion of female teachers at all levels of the education sector (para. 151). Please explain the measures in place to ensure that non-Chinese-speaking and religious minorities enjoy equal access to education, including adult and part-time education. What measures have been taken to address the high school dropout rate for ethnic minority children, in particular girls? Please also provide information on measures taken to include age-appropriate education on sexual and reproductive health rights in school curricula, including responsible sexual behaviour.

Employment

15. It is stated in the report that gender discrimination and segregation in employment still exists and that a high proportion of women continue to be employed in the informal sectors (para. 169). Furthermore, it is indicated that some small- and medium-sized enterprises continue to violate labour rights and interests of women workers, despite repeated prohibitions (para. 169). Please provide information on specific measures being taken to close the persisting gender pay gap and to address the prevalent gender discrimination and segregation in employment, as well as to give full legislative expression to the principle of equal pay for work of equal value; and unifying the retirement age for men and women in order to protect the pension interests of women.

16. What measures are being taken to increase women's employment in non-traditional and higher-paid areas of employment? Furthermore, please provide detailed information on the areas of employment where women are prohibited by law from working and the reasons for such prohibition.

17. Please state the measures taken to repeal the "Two-Week Rule", which requires foreign domestic workers to leave Hong Kong no later than two weeks after the expiration or termination of their employment contract, hence compelling foreign domestic workers to accept employment that may have unfair or abusive terms.

Please also provide information on progress made to investigate and sanction acts of abuse, exploitation and violence committed by recruitment agencies and employers against domestic workers, as well as poor working conditions relating to wages, holidays, working hours and confiscation of passports. Please explain the measures taken to prevent and investigate abuses of women migrant domestic workers arising out of the implementation of the "Live-in Rule" applicable in Hong Kong, which requires migrant domestic workers to be accommodated by their employers.

Health

18. It is indicated in the report that the State party placed emphasis on using legal means to combat the practice of non-medical foetal sex identification and sex-selective artificial pregnancy terminations, as well as using advocacy and publicity activities in order to address the high adverse sex ratio at birth (paras. 186 and 187). Please provide detailed information on the impact of those measures in addressing the problem of sex-selective abortion that is partly attributable to the high sex ratio at birth. Please also provide information on the progress made to combat forced abortions, and reported forced sterilization of transgender women, in particular in Hong Kong.

19. It is stated in the report that, while the HIV/AIDS epidemic has slowed, the proportion of infected women almost doubled between 1998 and 2009 when compared to the total infected population (para. 180). Please provide information on the causes of this increase and the measures taken to address them. Please also provide information on the specific measures taken to improve access to affordable health-care services in rural areas where maternal mortality remains high (CEDAW/C/CHN/CO/6, para. 27). Please explain the measures taken to combat the phenomenon of forced abortions and sterilization of pregnant women who test positive for HIV. Please provide an update on the progress made to further reduce the high rate of suicide committed by women, in particular in rural areas (para. 214), as well as by transgender women in Hong Kong.

Rural women

20. According to information before the Committee, there is a high proportion of women in rural areas without contracted land. It is also reported that a high proportion of women in the State party fail to obtain monetary compensation for land expropriations as compared with men, and that women have fewer chances of being resettled. Please provide information on the measures being taken to ensure gender equality in land distribution and property ownership. Please also provide information on the number of women whose land has been expropriated and who have not received compensation. Please also respond to reports that fewer women participate in social pension systems than men. Please explain the reasons for this trend and the measures in place to address the problem. Please also provide information on measures taken to address the specific situation of ethnic and religious minority women, women with disabilities and older women in rural and remote areas who face multiple forms of discrimination. In addition, please state whether there has been an impact assessment of the 2001 Amendment of the Marriage Law on the property rights of rural women.